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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,033	12/11/2000	Masaaki Nishino	040447/0227	2515
22428	7590	06/03/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			HO, TUAN V	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,033

Applicant(s)

NISHINO ET AL.

Examiner

Tuan V. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,5,6,8-11,13,15,17 and 20-42 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,14,16,18 and 19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 5, 37, 6, 8-12, 38, 39, 13, 15, 17, 40-41, 22-24, 25-28, 34-36 is/are allowed.
- 6) ☒ Claim(s) 20,21,29-33 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's arguments with respect to claims 20-21 have been considered but are moot in view of the new ground(s) of rejection.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Fellegara et al (US 6,441,854).

With regard to claim 20, Fellegara et al discloses in Figs. 3 and 5 a portable electronic camera that comprises the camera unit (camera body 10, col. 4, line 8), view finder (viewfinder 20), shutter button (shutter button 24) and two display units (LCD display 22 and screen display unit 36), one of which is used for viewing an image taken in by said camera (screen display unit 36, col. 5, lines 2+), said viewfinder is positioned at an upper corner of the information terminal (viewfinder 20 is located at the upper corner the camera body 10

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as shown in Figs. 2 and 5), while said shutter button is positioned at the another upper corner (shutter button 24 is located at the other upper corner of camera body 10, Fig. 5).

With regard to claim 21, Fellegara et al discloses in Figs. 3 and 5 a portable electronic camera that comprises the other display unit is opposite to said one of said two display units, and is used to be visually seen from a subject side (LCD display is opposite to the screen display 36 through a horizontal axis of the top portion of body 10 where LCD 22 can be seen from the subject side while the camera takes a picture of the subject. Fig.3).

3. Claims 29-33 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Suso et al (US 6,069,648).

With regard to claim 29, Suso et al discloses in Figs. 1a to 7, communication terminal device that comprises the camera (camera 9 is located in housing 8, col. 2, line 56 and 64), portable information terminal (telephone cases 1 and 2, col. 2, line 54), lens (lens 9), housing (housing member 8), flat cases (lower and upper cases 1 and 2 and hinge 7, col. 2, line 66-67), each display unit displays information from both transmission channels and image taken in by the camera displays 4 and 5 (Figs 7, 8a and 8b, col. 5, lines 16-67 and col. 6, lines 45+) and

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optical axis of the lens of the camera is perpendicular to an axis of the hinge (an axis of lens 9 of the camera is perpendicular to an axis of hinge 7 as shown in Fig. 2).

With regard to claim 30, Suso et al discloses in Figs. 1a to 7, communication terminal device that comprises the pair of flat cases are in a position in which the display unit of the first flat case and the display unit of the second flat case face opposite directions, each exposed for viewing (Figs. 4-5d); and one of said display units is disposed opposite a subject of an image being captured by said camera and displays said image (Fig. 5d).

With regard to claim 31, Suso et al discloses in Figs. 1a to 7, communication terminal device that comprises the pair of flat cases are in an opened position in which the display unit of said first flat case and the display unit of said second flat case face a same direction (Fig. 5c).

With regard to claim 32, Suso et al discloses in Figs. 1a to 7, communication terminal device that comprises the camera (camera housing 8), two display units (display units are shown in Fig. 7).

With regard to claim 33, Suso et al discloses in Figs. 1a to 7, communication terminal device that comprises the one of the two display units is disposed opposite a subject (Fig. 5d)

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With regard to claim 42, Suso et al discloses in Figs. 1a to 7, communication terminal device that comprises the two display units display the image Fig. 7).

4. Claims 32, 33 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Gowda et al (US 6,628,333).

With regard to claim 32, Gowda et al discloses a digital instant camera in Fig. 4B, that comprises the camera (digital camera body, col.3, line 17), two display units (display 180 and display 182, col. 5, lines 1-10).

With regard to claim 32, Gowda et al discloses a digital instant camera in Fig. 4B, that comprises the one of the two display units is disposed opposite a subject (displays 181 and 182 are located in an opposite direction via a vertical surface between a subject and the camera; noted that claim 21 does not recite how the display is opposite the subject).

With regard to claim 42, Gowda et al discloses a digital instant camera in Fig. 4B, that comprises the two display units both display the image (displays 181 and 182 display captured images, col. 5, lines 1-10).

5. Claims 3, 5, 37, 6, 8-12, 38, 39, 13, 15, 17, 40-41, 22-24, 25-28, 34-36 are allowed.

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

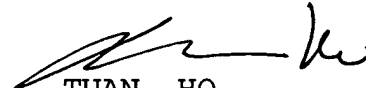
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, JIM GROODY can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600.



TUAN HO

Primary Examiner

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